

AMENDED IN SENATE MARCH 24, 2011

**SENATE BILL**

**No. 842**

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**Introduced by Senator Rubio**

February 18, 2011

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~~An act relating to state government.~~ *An act to amend Section 68074 of the Education Code, to add Section 13005.2 to the Vehicle Code, and to add Section 10003 to the Welfare and Institutions Code, relating to state residency, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 842, as amended, Rubio. ~~State government.~~ *California residency.*

*(1) Existing law establishes uniform student residency requirements for purposes of ascertaining the amount of fees to be paid by students at public institutions of higher education in the state. Existing law entitles an undergraduate student who is a dependent of a member of the Armed Forces stationed in this state on active duty to resident classification for purposes of determining the amount of tuition and fees. Existing law entitles a graduate student, under the same circumstances, to resident classification for no more than one academic year, after which he or she is subject to the general provisions otherwise establishing student residency requirements.*

*Existing law allows a student dependent of a member of the Armed Forces to keep his or her resident classification until he or she has resided in the state for the minimum time necessary to become a resident in the event the member of the Armed Forces upon whom they are dependent is transferred outside of the state or retires as an active member of the Armed Forces.*

*This bill would instead provide that a student who is a spouse, domestic partner, or dependent natural or adopted child or stepchild*

*of a member of the Armed Forces, as defined, who is, or was, on active duty at any time on or after January 1, 1991, is exempt from paying nonresident tuition at the California State University and the California Community Colleges. Because this bill would impose new duties on community college districts relating to determining whether a student is eligible for this exemption, it would constitute a state-mandated local program.*

*The bill would request the Regents of the University of California to establish the same requirements for exemption from nonresident tuition as those established by this bill for students enrolled at the University of California.*

*(2) Existing law establishes the Department of Veterans Affairs within state government and sets forth its powers and duties, including, but not limited to, administration of veterans benefits programs. Existing law also establishes the Department of Motor Vehicles, which is charged with various duties, including reviewing applications and issuing drivers' licenses.*

*This bill would require the Department of Veterans Affairs to develop and maintain a program for the issuance of identification cards establishing California residency to any eligible person, as defined, who is the spouse, domestic partner, or dependent child of a member or veteran of the Armed Services of the United States or the California National Guard, in accordance with specified requirements. Possession of a valid California residency identification card would be evidence that the person is a California resident for the purposes of entitlement to benefits at all state and local offices. The bill would require each office of the Department of Motor Vehicles to perform various duties with respect to distribution, collection, and processing of the application forms and issuing the identification cards. Among other responsibilities, the Department of Veterans Affairs would be responsible for developing protocols to be used by it and the Department of Motor Vehicles in administering the program.*

*(3) Existing law includes various public social services programs to provide for protection, care, and assistance to the people of the state in need of those services, by providing appropriate aid and services to the needy and distressed. Counties are responsible for administering these programs, such as CalWORKs, Medi-Cal, and in-home supportive services. State funds are continuously appropriated to pay for a share of costs under the CalWORKs program.*

*Existing federal law limits eligibility of aliens for federal public benefits to those who satisfy the definition of a qualified alien, with specified exceptions. Existing federal law similarly limits the provision of state or local public benefits, but authorizes a state to provide state and local public benefits, as defined, to an alien who is not lawfully present in the United States by enactment of a state law that affirmatively provides for that eligibility.*

*This bill, notwithstanding any other law, would make the spouse or domestic partner, or a dependent natural or adopted child or stepchild, of a member of the Armed Forces of the United States stationed in this state who is, or was, on active duty at any time on or after January 1, 1991, eligible to apply for and receive defined state and local public social services benefits to the same extent as any other applicant or recipient, regardless of the individual's immigration status.*

*This bill would make an appropriation by expanding eligibility for the CalWORKs program. In addition, the bill would increase the duties of counties administering public social services programs, thereby imposing a state-mandated local program.*

*(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~Existing law generally authorizes the Legislature to grant various residency privileges to California residents who meet specified requirements.~~

~~This bill would state the intent of the Legislature to enact legislation relative to granting of California residency privileges to undocumented persons serving, who have served honorably, in the United States Armed Forces (including the Reserves and the National Guard) and any of their undocumented, immediate family members.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 68074 of the Education Code is amended  
2 to read:

3     68074. (a) ~~(1) An undergraduate~~ A student who is a spouse,  
4 domestic partner, or a dependent natural or adopted child, or  
5 stepchild, ~~or spouse who is a dependent~~ of a member of the armed  
6 forces Armed Forces of the United States stationed in this state  
7 who is, or was, on active duty shall be entitled to resident  
8 classification only for the purpose of determining the amount of  
9 tuition and fees at any time on or after January 1, 1991, is exempt  
10 from paying nonresident tuition at the California State University  
11 and the California Community Colleges.

12     ~~(2) A student seeking a graduate degree who is a natural or~~  
13 ~~adopted child, stepchild, or spouse who is a dependent~~ of a member  
14 of the armed forces of the United States stationed in this state on  
15 active duty shall be entitled to resident classification only for the  
16 purpose of determining the amount of tuition and fees for no more  
17 than one academic year, and shall thereafter be subject to Article  
18 5 (commencing with Section 68060).

19     ~~(b) If that member of the armed forces of the United States,~~  
20 ~~whose dependent natural or adopted child, stepchild, or spouse is~~  
21 ~~in attendance at an institution, (1) is thereafter transferred on~~  
22 ~~military orders to a place outside this state where the member~~  
23 ~~continues to serve in the armed forces of the United States, or (2)~~  
24 ~~is thereafter retired as an active member of the armed forces of the~~  
25 ~~United States, the student dependent shall not lose his or her~~  
26 ~~resident classification until he or she has resided in the state the~~  
27 ~~minimum time necessary to become a resident.~~

28     ~~(b) As used in this section, "Armed Forces of the United States"~~  
29 ~~means the Air Force, Army, Coast Guard, Marine Corps, National~~  
30 ~~Guard, Naval Militia, Navy, and the reserve components of each~~  
31 ~~of those forces, including, but not necessarily limited to, the~~  
32 ~~California National Guard.~~

33     ~~(c) Eligibility under this section may be demonstrated by~~  
34 ~~presentation of a California residency identification card issued~~  
35 ~~pursuant to Section 13005.2 of the Vehicle Code.~~

36     SEC. 2. Section 13005.2 is added to the Vehicle Code, to read:

37     13005.2. (a) The Department of Veterans Affairs shall develop  
38 and maintain a program for the issuance of identification cards

1 *to an eligible person who is the spouse, domestic partner, or*  
2 *dependent child of a member or veteran of the armed services of*  
3 *the United States or the California National Guard.*

4 *(b) The identification card issued pursuant to this section shall*  
5 *be known as the California residency identification card.*  
6 *Possession of a valid California residency identification card shall*  
7 *be prima facia evidence that the person is a California resident*  
8 *for purposes of entitlement to any state or local benefits for which*  
9 *that person may be otherwise eligible.*

10 *(c) The Department of Motor Vehicles shall, in consultation*  
11 *with the Department of Veterans Affairs, develop an application*  
12 *form and any other information necessary to administer this*  
13 *section. The Department of Motor Vehicles shall provide the*  
14 *application form and instructions related to the form and shall be*  
15 *responsible for the distribution of the application form, the*  
16 *collection of applications, and the processing of the forms.*

17 *(d) Each office of the Department of Motor Vehicles shall do*  
18 *all of the following:*

19 *(1) Provide applications upon request to persons seeking to*  
20 *obtain a California residency identification card.*

21 *(2) Receive and process completed applications.*

22 *(3) Transmit completed applications to the Department of*  
23 *Veterans Affairs for review and determination of eligibility.*

24 *(4) Maintain records of California residency identification cards*  
25 *granted.*

26 *(5) Issue a California residency identification card to an*  
27 *applicant who is deemed to be an eligible person, after review of*  
28 *the person's application by the Department of Veterans Affairs.*  
29 *Upon request of an applicant, the California residency*  
30 *identification card shall be mailed to the applicant at his or her*  
31 *address of record.*

32 *(e) The Department of Veterans Affairs shall develop*  
33 *appropriate protocols that shall be used by it and the Department*  
34 *of Motor Vehicles in administering this section, including, but not*  
35 *limited to, protocols to confirm the accuracy of information*  
36 *contained in any application.*

37 *(f) For purposes of this section, an "eligible person" means a*  
38 *person who is the spouse, domestic partner, or dependent child of*  
39 *a person who is a member or veteran of the armed services of the*

1 *United States or the California National Guard on or after January*  
2 *1, 1991.*

3 *SEC. 3. Section 10003 is added to the Welfare and Institutions*  
4 *Code, to read:*

5 *10003. (a) Notwithstanding any other law, and pursuant to*  
6 *the authority granted under Section 1621(d) of Title 8 of the United*  
7 *States Code, an individual who is the spouse or domestic partner,*  
8 *or a dependent natural or adopted child or stepchild, of a member*  
9 *of the Armed Forces of the United States stationed in this state*  
10 *who is, or was, on active duty at any time on or after January 1,*  
11 *1991, shall be eligible to apply for and receive state and local*  
12 *public social services, to the same extent as any other applicant*  
13 *or recipient, regardless of that individual's immigration status.*  
14 *Proof of eligibility for this purpose may include the presentation*  
15 *of a California residency identification card issued pursuant to*  
16 *Section 13005.2 of the Vehicle Code. No federal funds shall be*  
17 *used to provide any service provided pursuant to this section.*

18 *(b) (1) As used in this section, "Armed Forces of the United*  
19 *States" means the Air Force, Army, Coast Guard, Marine Corps,*  
20 *National Guard, Naval Militia, Navy, and the reserve components*  
21 *of each of those forces, including, but not necessarily limited to,*  
22 *the California National Guard.*

23 *(2) As used in this section, "state and local public social*  
24 *services" means any welfare, health, disability, food assistance,*  
25 *or similar benefit for which payments or assistance is provided to*  
26 *an individual, household, or family assistance unit by an agency*  
27 *of the state or a local government, or by appropriated funds of a*  
28 *state or local government. "State and local public social services"*  
29 *include, but are not limited to, all of the following programs:*

30 *(A) The CalWORKs program (Chapter 2 (commencing with*  
31 *Section 11200) of Part 3).*

32 *(B) The In-Home Supportive Services program (Article 7*  
33 *(commencing with Section 12300) of Chapter 3 of Part 3).*

34 *(C) The Medi-Cal program (Chapter 7 (commencing with*  
35 *Section 14000) of Part 3).*

36 *(D) The general assistance program (Part 5.5 (commencing*  
37 *with Section 17000)).*

38 *(E) The California Food Assistance Program (Chapter 10.1*  
39 *(commencing with Section 18930) of Part 6).*

1     *SEC. 4. The Legislature hereby requests the Regents of the*  
2     *University of California to establish the same requirements for*  
3     *exemption from payment of nonresident tuition for students enrolled*  
4     *at the University of California as those enacted by Section 68074*  
5     *of the Education Code.*

6     *SEC. 5. If the Commission on State Mandates determines that*  
7     *this act contains costs mandated by the state, reimbursement to*  
8     *local agencies and school districts for those costs shall be made*  
9     *pursuant to Part 7 (commencing with Section 17500) of Division*  
10    *4 of Title 2 of the Government Code.*

11    ~~SECTION 1. It is the intent of the Legislature to enact~~  
12    ~~legislation relative to granting of California residency privileges~~  
13    ~~to undocumented persons serving, or who have served honorably,~~  
14    ~~in the United States Armed Forces (including the Reserves and~~  
15    ~~the National Guard) and any of their undocumented, immediate~~  
16    ~~family members.~~